

**PALMER TOWNSHIP BOARD OF SUPERVISORS**  
**July 11, 2022**  
**7:00 PM**  
**GENERAL BUSINESS MEETING**

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The Palmer Township Board of Supervisors general business meeting was held on Monday, July 11, 2022, at 7:00 p.m. in the Municipal Building meeting room. The following were in attendance: Chairman Jeffrey Young, Vice Chairman Michael Brett, Supervisors K. Michael Mitchell, Ann-Marie Panella and Joseph Armato. Also in attendance were the Township Manager, Police Chief, Planning Director, Township Engineer, Finance Director, Fire Commissioner, Township Solicitor, and the Assistant Township Manager.

Young announced the Board held an executive session prior to this meeting for one personnel and one real estate matter. No action is required tonight.

**1. PLEDGE TO THE FLAG**

**2. CONSENT CALENDAR**

A. Approval of Minutes - June 28, 2022

INFORMATION

The Board needs to approve/disapprove the minutes of June 28, 2022.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Michael Brett. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Young

Supervisors voting Abstain: Panella

B. Approval of Minutes - July 5, 2022

INFORMATION

The Board needs to approve/disapprove the minutes from July 5, 2022.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 4-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella

Supervisors voting Abstain: Young

C. Disbursement of Funds - July 11, 2022

INFORMATION

The Board needs to approve/disapprove the disbursement of funds for July 11, 2022.

Motion: Approve, Moved by Supervisor Joseph Armato, Seconded by Supervisor Michael Brett. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young

### 3. OLD BUSINESS

#### A. Greenwood Avenue and Hartley Avenue Intersection Discussion

##### INFORMATION

Ben Serrecchia from Vertek Construction Management will be in attendance to discuss the status of the Greenwood Avenue and Hartley Avenue intersection improvements related to the Palmer Point project.

##### DISCUSSION

Ron Check, Attorney Lisa Pereira, Ann Marie Vigilante and Ben Serrecchia were in attendance. Check said that members of their team met with members of the township staff this morning to talk about the Hartley and Greenwood Avenue intersection. We requested to be able to come before the Board to provide and update.

Pereira said, we are here to request a time extension that we are seeking to allow us the time to complete all the roadway improvements for this project. Our current deadline is July 31, 2022, and we are seeking a one-year extension until July 31, 2023. That should allow us time to address comments we are waiting on from PennDOT and for us to receive our permits. We have met with PennDOT and we went over our plans and right-of-way requirements and we should have an answer from them by the end of this week.

Young said, I know there was some concern that things weren't moving along and as you told us earlier today, it is moving. Young said, after seeing an updated plan a week ago there was some concern that the road alignment had changed. Mitchell asked if they now will be taking less land on the west side. Vigilante said, the plan is exactly the same that's been depicted thus far. The only change is on the right-of-way on the east side. In meeting with PennDOT, we did more research on who owns the right-of-way. The strip of blue land on the plan was thought to have been dedicated to the township when a Chrin and School District transaction took place. It appears that never occurred. It is not owned by the School District or by Chrin. Vigilante said, we will do the research and attempt to contact the property owner. Vigilante said, we've done this process many times in the past. It was left over when it should have been dedicated to the township. None of the improvements changed. We are just cleaning up right-of-way on the east side of the road. Mitchell asked, when do you feel the permits will come through and you can start working. Check said, we hope to obtain the permits the end of this year and start in March and should have it completed in three months. Young said, we know a lot of the materials could be hard to get right now. Check said, ordering mast arms are a year out but we will be able to rob Peter to pay Paul. We have other projects that we have a longer time frame to complete. We will use those items on your project and reorder to meet all of our deadlines. Check said, I do not intend to have to come back to this Board due to not having supplies. We are managing the supply lines.

Vigilante said, as Lisa mentioned, a lot of research has been taking place regarding right-of-way. We are working with the property owners and we made a full resubmission to PennDOT. That's all that remains in PennDOT's eyes. We made a submission to the township staff to clean up comments related to the project. We

reached out to the Lehigh Valley Planning Commission and are awaiting their approval letter. A lot has been going on in the past two months. We have our NPDES letter and Ben and Ron have been working diligently with Met Ed to see if they can move the poles to the east side of the road. Vigilante said, they told us until they see a PennDOT permit, or letter of support, they can't continue with their design, but they haven't challenged the idea. Once we get the PennDOT letter, we will request a letter from them for Met Ed.

Check said, after today's workshop, I contacted Met Ed and re-asked them to look at possibly putting the poles in a 5-foot green space between the curb and sidewalk. By doing this, it will increase the space to about 35-feet. They did say, until they have the permit or a letter, they won't proceed at all.

Young said, Mr. Beauduy from Chrin is here tonight and is probably hearing this for the first time. Beauduy said, we designed a utility easement for the east side and Chrin is willing to sign off on everything if the poles get moved to the east side. If it's done on the west side it affects our buildings. The poles and wires wouldn't interfere if they were on the east side. Beauduy added, as long as Met Ed can provide insurance that it will happen, we are prepared to sign the documents.

Bruno said, if the status report is adequate to the Board, it would be appropriate to make a motion to approve the extension request for them to be able to complete their public improvements at Hartley and Greenwood Avenues.

Williams thanked the group for their professionalism today. I'd like to thank Lisa for answering all our questions and we appreciate how your treating the township staff. It was a productive meeting and we appreciate you working with us.

Young added, once you get PennDOT's approval, we will go back to the School District.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Joseph Armato. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young

B. Chapter 138-3 - Storage Practices Ordinance

INFORMATION

The Board of Supervisors reviewed the proposed changes to the township ordinance regarding trash containers at their April 24, 2022 meeting and authorized the Township Solicitor to review the changes. The Township Solicitor reviewed and prepared the Chapter 138-3 ordinance and it was advertised in the Express Times on July 4, 2022. The ordinance is in a form for approval this evening.

DISCUSSION

Young said, the Board reviewed this ordinance before and it is now ready to implement.

Motion: Approve, Moved by Supervisor Michael Brett, Seconded by Supervisor Ann-

Marie Panella. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young

C. Chapter 81 Fire Prevention Ordinance Discussion

INFORMATION

Fire Commissioner Steve Gallagher presented a proposed revision to Chapter 81 of the township ordinance at the June 13, 2022 meeting. This chapter was last amended December 18, 2000, adopting the International Fire Code/2000 as the township's Basic Fire Prevention Code. At that meeting the Board authorized advertising of the ordinance for future adoption and it was advertised in the Express Times on July 4, 2022. The ordinance is in a form for adoption tonight.

DISCUSSION

Young said, this was also reviewed by the Board at a previous meeting. Williams said, at that meeting the Board authorized advertising for approval. It's been advertised and is ready for the Board's approval.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Joseph Armato. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young

**4. NEW BUSINESS**

A. Emergency Services Proclamation Presentation

INFORMATION

On Saturday, May 21, 2022, Palmer Township Emergency Services were dispatched to a reported two vehicle, head-on, motor vehicle accident with one party trapped on Main Street between Van Buren Road and the Upper Nazareth Township border.

The following Emergency Services personnel are being presented a Proclamation for their exemplary services that resulted in a life saved:

Palmer Municipal Fire Department Deputy Chief Jim Alercia  
Palmer Municipal Fire Department Battalion Chief Ken Sobieski  
Palmer Township Police Sergeant John Billiard  
Palmer Township Police Officer Evan Goldstein  
Palmer Township Police Officer Maurice Burton  
Palmer Township Police Officer Kyle Kromer  
Suburban Emergency Medical Services Paramedic Jeremy Slack  
Suburban Emergency Medical Services EMT Stephen Monteiro-Brown  
Suburban Emergency Medical Services Paramedic Rich Mick  
Suburban Emergency Medical Services EMT Christopher Finan, Jr.

DISCUSSION

Chairman Young said he is extremely proud of what everyone did in this emergency situation. They do this all the time, but this time it stood out differently than others.

Young read the proclamation and presented them to the following individuals:

Palmer Municipal Fire Department Deputy Chief Jim Alercia  
Palmer Municipal Fire Department Battalion Chief Ken Sobieski  
Palmer Township Police Sergeant John Billiard  
Palmer Township Police Officer Evan Goldstein  
Palmer Township Police Officer Maurice Burton  
Palmer Township Police Officer Kyle Kromer  
Suburban Emergency Medical Services Paramedic Jeremy Slack  
Suburban Emergency Medical Services EMT Stephen Monteiro-Brown  
Suburban Emergency Medical Services Paramedic Rich Mick  
Suburban Emergency Medical Services EMT Christopher Finan, Jr.

Williams said, the night this occurred, I was on my way home from Philadelphia. When we got to Main Street it looked like a war zone and it was traumatic and very serious. It was a seamless team effort between police, fire and EMS and the communications was outstanding. Anytime you can save a life, we want to extend our appreciation. In Palmer Township, Northampton County and the Lehigh Valley, we are blessed to have some of the finest police, fire and EMS services.

Panella said, you are what makes Palmer great. Your care and concern for your fellow humanbeings is what makes me happy to be a part of this community. You are what makes us great. Your dedication and bravery is what makes us great. Thank you and I wish blessing upon all of you.

Brett said, Ann-Marie couldn't have said it better. Armato agreed. Young said, we will always stand behind you. I am here to support you all, police, fire and EMS.

B. Portnoff Ordinance Amendment

INFORMATION

At the end of last year, the Consumer Financial Protection Bureau released new guidelines that became effective on November 30, 2021 that caused Portnoff Law Associates (PLA) to change the first step of its collection process. As a result of the new guidelines, PLA began sending model validation notices as their initial contact with the property owner. PLA sent these notices out this year at no charge to the Township or the property owner, but they will need to start charging a \$25 fee in 2023.

The good news for the Township is that this initial cost will be charged directly to the delinquent property owner and not the Township. Any accounts that are paid in full during this step will negate the need for the Township to pay PLA the \$40 plus certified postage charge that was previously charged at our first collection step (this charge to the Township will now be moved to our second step). The benefit for the property owner is that payment at this initial step will come at a cost of only \$25, saving the property owner approximately \$21 from our prior first step. With this change, the first two steps of our collection process will come at a cost of only \$65 plus certified postage to the delinquent property owner.

Included in the Board's packet is a contract amendment and ordinance that will allow PLA to start charging for the validation notice next year. The addition and/or increase of these charges will bring the schedule up-to-date to match PLA's current fee schedule. These additions also will provide more predictability for the property owner, negating the need to charge by the hour for flat-fee tasks that were not previously delineated.

The ordinance was advertised in the Express Times on June 30, 2022. The ordinance is in a form for Board approval tonight.

### DISCUSSION

Young read the information above outlining the changes in the delinquent collection process through Portnoff Law Associates.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young

## **5. PUBLIC COMMENT**

Allison Diefenderfer, said my address should be 3013 Hartley Ave, 223-A. If you look at your key ring, you probably have a home to go home to. I am a tenant that was scheduled to move in at Palmer Point. I'm looking to the township to fill in some details. Why is it July 11 and I was told I could move in on July 1 and I still haven't. This is beyond inconvenient, considerate or understanding. I haven't been told an end date. I'm in an active lease. I don't know if I would consider buying a permanent house in this township.

Young said, if you were sitting on this side of the table, you would feel differently and I'm sorry you feel the way you do. Brett said, as I said last week, I'm very sorry they mislead you and didn't communicate with you properly. Armato said, we can't be responsible for your builders actions. Armato added, you need to discuss it with your landlord. Diefenderfer said, I appreciate your prospectus, but there should be checks and balances. I'm one of multiple in this situation. Earlier there was discussion of the intersection. If you cant look out for me look out for others. I'm trying to get answers and get before someone who will listen.

Panella said, you mentioned checks and balances. That is what we are trying to do; protect you and protect the residents of Palmer Point. I took a drive through there, we are trying to protect you. Diefenderfer said, I was moving from the City of Bethlehem. How dare you all say you weren't seeing this on Route 22. Young said, they were here in March and were told what they had to do. Armato said, they were told and they blatantly refused to do what we requested. Diefenderfer said, I came last week for answers. They continue to advertise they are leasing July 1. I'm speaking on behalf of individuals who are in worse situations than myself. I moved out the 30th and was told I could get keys. There are tenants from outside the area and this is their first experience with Palmer Township.

Ruth Ann Cardell, 379 Stones Crossing, said she is sorry about what you are going through. I live near there and I'm thankful the Board is doing this. They're not doing anybody good service here. I don't want to end up having a project in that area and I'd like to thank the

Board.

Chuck Diefenderfer, 2918 Hay Terrace, said he has an issue because it is his understanding it has to do with the facade of the building. That facade isn't worse than what was proposed. I also know there were grading and sidewalk issues, but the blacktop is decent there. There are some issues with the common space not being completed, but it doesn't impact individuals. I attended the hearing in Northampton County and I talked to a tenant moving in from New York. We understand there are material issues with COVID, and there was discussions about using hardy board on the buildings. That was on the building well before the stop order was put on them. I don't know what the other issues are. Young said, if someone came to you on the Planning Commission like this, you would have an issue with it. Diefenderfer said, I understand. Young said, nobody likes this situation.

Allison Diefenderfer said, I was on a lease before the end of January on the floor where there was a fire. I was given the option to hold off for six months or pivot my lease to July 1. I'm looking for an apartment. I would like a firm decision so I know how to proceed. Young said, we understand that, but I believe if you were sitting here you would do the same thing this Board had to do. Chuck Diefenderfer said, I know there was a hearing and I don't know when a response is expected.

## **6. REPORTS**

### Solicitor

Bruno said, he had an extension request for the Palmer Point Development, Phase 2, for their plan approval. Bruno said he would like to remind the Board that Phase 1 and Phase 2 were approved back in March. They had 90-days to enter into an Improvements Agreement and post their security. Bruno said, now that you approved the extension for the intersection improvements until July 31, 2023, the next thing to consider is to give them an extension until January 31, 2023, for them to be able to record their plan, enter into an Improvements Agreement and post security. Bruno said, these are tied together because the improvements in Phase 2 are related. They can't do anything in Phase 2 until the intersection improvements are completed. They need time to move forward in that process. Kramer said, they also can't record the plan until they have the HOP permit in hand. Gawlik added, the plan is ready to go, they are just waiting on the permit.

Bruno had a Drainage Easement for Palmer Point Apartments, Phase 1, stating the plan calls for a drainage easement to be granted to the township. I reviewed the agreement and it is in a form acceptable for recording. The motion would be to authorize the Chairman to sign the agreement.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young  
Bruno had one litigation matter for executive session.

Township Manager

Williams reported that the Request for Proposals for MS4 has been advertised.

**7. ADJOURNMENT**

The meeting was adjourned at 8:08 p.m. with one litigation item for executive session.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 5-0.

Supervisors voting Ayes: Armato, Brett, Mitchell, Panella, Young

Respectfully submitted,

Brenda DeGerolamo  
Assistant Township Manager